




Speech By
Michael Berkman

MEMBER FOR MAIWAR

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HEALTH AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (4.09 pm): I rise to speak in support of the Health and Other Legislation Amendment Bill 2018. Of all the issues dealt with in the bill, I will go to just two of them. The most important and contentious among the variety of issues traversed in the bill are the proposed changes to streamline the regulation around medicinal cannabis and the changes to the Retirement Villages Act in relation to compulsory buyback for freehold properties. In relation to medicinal cannabis, as set out in the explanatory notes, the bill will—

repeal the Public Health (Medicinal Cannabis) Act 2016 ... and make consequential amendments to the Health Act ... to significantly streamline the regulatory framework for prescribing medicinal cannabis in Queensland.

The 2016 act that this bill would repeal was, when introduced, an important step in that it created the first pathway for the prescription of medicinal cannabis by doctors in Queensland. This was welcomed at the time by advocacy groups and patients who need this medication, but they also voiced concerns that major barriers to access remained. Foremost among those are cost and shortage of supply.

The 2016 act created two pathways for prescription of medicinal cannabis—the single patient prescriber and the patient class prescriber. Experience in the last two years has shown that these pathways do not do enough to facilitate access to this medication, and repeal of the old regime is a very important step to end duplication and roadblocks presented by state and federal regulation. I absolutely support this amendment.

The bill would ensure that medicinal cannabis can be prescribed by doctors like any other schedule 8 medication, as it should be, because that is what we are talking about here. We are talking about medicine—medicine derived from a plant that we continue to criminalise in Queensland. The repeal of the old regime—barely two years after it came into effect—reflects the very general and unnecessary reluctance of governments to just deal with cannabis and other drugs, not exclusively through a criminal frame but based on evidence. It reflects government's broad unwillingness to deal with cannabis in a way that minimises harm, rather than putting people at risk of criminalisation.

This bill does not address the ongoing concerns of advocates about the cost of these medicines and the difficulty in accessing them. The bill does nothing to assist those who face criminal sanction because of steps they have taken to access these medicines. It appears there is no longer dispute in this parliament about the medicinal value of cannabis, yet we still criminalise and punish those who have been let down and denied access to these medicines and have gone about getting them by whatever means are available.

The consequences of not having access to medicinal cannabis and its ongoing criminalisation were laid bare for the committee in the public hearings. Deb Lynch, who I have met previously and who appeared as a representative of the Medical Cannabis Users Association of Australia, gave the following testimony to the committee at a hearing in January. She said—

There are a number of people with an array of medical conditions who ... chose to run the legal gauntlet to get access. This is the case currently with two Queensland members of our committee who are both facing criminal actions for producing cannabis unlawfully. I am one and I strongly believe that if I had had an unfettered supply of cannabis oil I may not have lost my leg just a

few days before Christmas. On the two occasions when I was able to obtain activated CBD oil through illegal means, I saw inflammation and pain reduction and a marked improvement in the colour of the skin within hours of taking it. Unfortunately, through an inability to obtain supply, my condition went backwards and deteriorated very quickly, and the lower leg amputation was the end result.

Ms Lynch has lost her lower leg and believes access to medicinal cannabis might have prevented this. She is tied up in the criminal justice system for trying to access this medicine. Legislation like this should at the very least include an amnesty for people like Deb Lynch who have been criminalised for simply trying to access medicine.

While the Greens support safe and stress free access to medicinal cannabis for anyone who needs it, medicinal cannabis is just one option of the several for dealing with drug use in our society. Today I am reiterating the Greens' support for the legalisation and regulation of cannabis for adult use and calling on the Queensland government to join us. This is about reducing harm and treating drug use as a health issue.

Mr DEPUTY SPEAKER (Mr Weir): Member for Maiwar, you are sticking to the long title of the bill about the use of medicinal cannabis?

Mr BERKMAN: Indeed, I am.

Mr DEPUTY SPEAKER: I will listen closely.

Mr BERKMAN: Under the watch of a government regulator, we could allow people to grow cannabis for personal or medicinal use or purchase a quality controlled product from licensed retailers. As of December last year, there were nearly 300 people in prison in Queensland whose most serious offence was possession or use of illicit drugs. As the committee heard, people are facing criminal charges for using medicine which is improving their lives. These people are currently locked up, and thousands of others who get mixed up in our criminal justice system should be taken out of the cycle of criminalisation. It would keep them and the community safer, and it would cost us less in financial terms and reduce the suffering in our communities.

I will turn to the amendments to the Retirement Villages Act. These amendments are proposed to align freehold properties in retirement villages with the 18-month compulsory buyback provisions that were introduced into the Retirement Villages Act in 2017. The amendments are estimated to apply to about 2,200 freehold retirement village units in Queensland, which represents roughly 7.4 per cent of all units, and would mirror compulsory buyback arrangements that already exist for about 93 per cent of retirement village properties. As we have heard in this debate already, this proposed change is most contentious in relation to resident operated retirement villages—that is, those situations where the village is operated by the residents through a body corporate. The department has identified 10 retirement villages that fit this description.

A number of residents from one such retirement village—the Pebble Beach Retirement Village—made submissions and gave evidence to the committee. In summary, their concerns were that the resident operated retirement villages would be disproportionately and unacceptably disadvantaged by the amendments since unit holders in these villages would themselves be liable for the costs of purchase in the case of a mandatory buyback. In response to these concerns, the Department of Housing and Public Works gave the following advice. They said—

When a buyback provision is triggered, resident-operators can apply to QCAT for an extension of time to complete the purchase if the operator is likely to suffer financial hardship as a result of the purchase ... There is no limit on the number of times an operator can seek extensions from QCAT.

As we heard from the member for Burleigh, the department went on to note that it is working with these resident operated villages and that they might consider deregistering as a retirement village and whether that offers the most appropriate model. They went on to say, which we did not hear from the member for Burleigh, that—

It is anticipated that some of these villages may elect to deregister ... and continue to operate as a community title scheme.

As I understand it, there are options available to them if they do not see this as the most appropriate way to continue to operate. In light of this response and the other submissions and evidence from organisations supportive of the amendments, I am satisfied that the alignment of the buyback arrangements for freehold and non-freehold properties is sensible and I support these changes. Consequently, I will not be supporting the motion from the opposition.

I will close by very briefly thanking my fellow committee members for all the time that went into this and other bills. I also thank the secretariat who, as we saw last year, were carrying the load of the massive inquiry that we have on foot at the moment while also guiding us through this inquiry. My thanks go to them. I commend the bill to the House.