



## Submission on the Public Health (Medicinal Cannabis) Bill 2016

15 July 2016

---

### **Introduction**

The Queensland Catholic Education Commission (QCEC) provides this submission to assist the development of regulations for the Public Health (Medicinal Cannabis) Bill 2016, which was introduced into Parliament on 10 May 2016.

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of the five Diocesan Catholic school authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 300 Catholic schools that educate almost 147,000 students in Queensland. QCEC is also the Central Governing Body for kindergartens operating on Catholic school sites and has responsibilities in respect to early childhood education and care.

The Public Health (Medicinal Cannabis) Bill 2016 is intended to establish a new regulatory framework under which medicinal cannabis products may be prescribed and dispensed under strict medical supervision, to patients in Queensland. The Bill has implications for Catholic school authorities and schools and early childhood education and care centres in Queensland in that, in institutions such as schools and early childhood education and care centres, where a patient or their carer may not be able to administer the medicinal cannabis, that duty may well fall to the institution involved.

The elements of the Bill enabling schools to hold and dispense medicinal cannabis to students (patients) at school and school related activities are of particular interest to Catholic school authorities and Catholic schools and are the focus of this submission.

It is important to note that QCEC does not own or operate Catholic schools and has no direct jurisdiction over Catholic schools, staff or students; that role sits firmly with the Catholic school authorities. This QCEC response is informed by consultation through the various Catholic school authorities.

In the case of this Bill the consultation period has been very short although opportunity was taken to consult among relevant Department of Health officers and Catholic schools authorities on 12 July 2016.

## **Response to the request for advice on the regulations for the Bill**

QCEC is very supportive in principle of legislation which enables the most appropriate medicinal treatment for children and students suffering extreme medical conditions. At the same time QCEC recognises the reputational issues related to forms of cannabis as an illicit and illegal substance of misuse. Some of the concerns related to administration of cannabis may be as much around reputational risk as the actual management of the drug for medicinal purposes in schools.

In consultation with Department of Health officers and representatives of Catholic school authorities and QCEC Secretariat staff on 12 July, QCEC was asked to provide advice on the following:

### **1. Who is a 'prescribed person' for the purpose of clause 61(7) of the Bill**

Part 4 Section 61 of the Bill refers to Restricted access patients - in the care of an institution (61 (4)), presumably including those in schools, although schools per se are not identified. Various terms are used in this section of the Bill: a facilitator; a prescribed person; responsible person for an institution. In Catholic schools, the responsible person for the institution would be the principal or their delegate. As the Bill is currently worded, there is some confusion around exactly who constitutes a "prescribed person" and who would be a "facilitator". It appears that a facilitator would have to be a health practitioner or trainee health practitioner and anyone outside of these qualified persons working in schools would be termed a "prescribed person".

Before commenting on who would be a prescribed person in Catholic schools, QCEC recommends that clear terminology be established in this section of the Bill. Even under the definitions provided (61(7)) there is little clarity: *prescribed person means a person who is a member of a class of persons prescribed by regulation for this section.* It is understood that the Regulation will more clearly identify who those persons might be, but at this point QCEC's comments are being provided based on assumptions around current practices in school and in a void of clear definitions for the purposes of this Bill and proposed regulations.

The Bill does not provide a clear definition on the roles and responsibilities for any of the terms used. It will be very important for the regulations to do so.

#### **Issues for consideration:**

- Provide a clearer definition in the regulations of the following terms: prescribed person, responsible person, and facilitator.
- Identify who these 'persons' could be particularly in the school and early childhood and care contexts.

### **2. What conditions apply to such a prescribed person for the purpose of clause 61(6) of the Bill**

Currently school staff charged with the administration of medications during school hours and for school related activities would do so in accordance with school procedures for administering any medication to students.

It would be preferred that the introduction of medicinal cannabis to the list of medications for some students would follow similar procedures for administering, recording and storage of the medication.

It is acknowledged that particular conditions may be required around storage and management of medicinal cannabis in schools but QCEC at this point has inadequate knowledge of the particular requirements for this drug to make significant comment on conditions. Any other conditions that may be prescribed by a regulation (61(6)) are not identified in the Bill and so cannot be commented on until they are made available. In best case scenario and with the welfare of the student as priority, it would be hoped that the administration of medicinal cannabis would align with current processes for administration of medicines in schools and not make the patient feel significantly different.

**Issues for consideration:**

- Provide a clearer outline in the regulations of the possible 'prescriber conditions' for the administration of medicinal cannabis for clause 61(6) of the Bill.

**Conclusion**

As the regulation progresses, it would be expected that Catholic school authorities would update associated procedures for their schools, for example Administration of Medication in schools. QCEC recommends clear communication to schools around the Bill and regulations. Interaction with medical practitioners responsible for the treatment of a student in a school is always highly valued and much appreciated by schools in addressing the student's needs. QCEC would recommend that interaction be promoted for those few students who, it is understood, will receive this medication.



**Dr Lee-Anne Perry AM**

Executive Director

Queensland Catholic Education Commission