



Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021

No. 56, 2021

An Act to amend the *Narcotic Drugs Act 1967*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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No. 56, 2021

An Act to amend the *Narcotic Drugs Act 1967*, and for related purposes

[Assented to 24 June 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	24 June 2021
2. Schedules 1 and 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	24 December 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Narcotic Drugs Act 1967

1 Section 3

Omit:

A licensing and permit scheme regulates the cultivation of cannabis plants and the production of cannabis and cannabis resin. Cultivation and production, and related activities, under the scheme are for medicinal purposes or for research relating to medicinal cannabis.

substitute:

A licensing and permit scheme regulates the cultivation of cannabis plants, the production of cannabis and cannabis resin, the manufacture of cannabis drugs, and activities relating to such cultivation, production and manufacture. Cultivation and production under the scheme may be undertaken for medicinal or scientific purposes whereas the manufacture of cannabis drugs may be undertaken for a permitted supply.

2 Section 3 (paragraph beginning “A separate”)

Before “drugs covered”, insert “narcotic”.

3 Subsection 4(1)

Insert:

cannabis drug means:

- (a) cannabis; or
- (b) cannabis resin; or
- (c) extracts of cannabis; or
- (d) tinctures of cannabis; or
- (e) another drug that includes, or is from, any part of the cannabis plant.

4 Subsection 4(1) (definitions of *cannabis licence* and *cannabis permit*)

Repeal the definitions.

5 Subsection 4(1) (definition of *cannabis plant*)

Repeal the definition, substitute:

cannabis plant has the same meaning as in the Convention.

6 Subsection 4(1) (definitions of *cannabis research licence* and *cannabis research permit*)

Repeal the definitions.

7 Subsection 4(1) (definition of *licence*)

Repeal the definition, substitute:

licence means:

- (a) a manufacture licence; or
- (b) a medicinal cannabis licence.

8 Subsection 4(1) (definition of *medicinal cannabis product*)

Repeal the definition.

9 Subsection 4(1)

Insert:

narcotic drug means a drug other than a cannabis drug.

10 Subsection 4(1) (definition of *permit*)

Repeal the definition, substitute:

permit means:

- (a) a manufacture permit; or
- (b) a medicinal cannabis permit.

11 Subsection 4(1)

Insert:

permitted supply means:

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- (a) the supply of a cannabis drug for use in a clinical trial that is, or is likely to be, approved under the *Therapeutic Goods Act 1989* or notified to the Secretary under that Act; or
 - (b) the supply of a cannabis drug in accordance with an approval or authority under that Act; or
 - (c) the supply of a cannabis drug for use in medical or scientific research where that research:
 - (i) is not a clinical trial of a kind referred to in paragraph (a); and
 - (ii) does not involve the drug being administered to humans; or
 - (d) the supply of a cannabis drug for use as a reference standard for medical or scientific testing purposes; or
 - (e) the supply of a cannabis drug in circumstances prescribed by the regulations.

12 Subsection 4(1) (paragraph (c) of the definition of premises)

Omit “a place” (first occurring), substitute “an area of land or any other place”.

13 Subsection 4(1A)

Repeal the subsection.

14 Subsection 7A(1)

Omit “and section 25A of this Act, and other provisions of this Act so far as they relate to those provisions”, substitute “of this Act, and other provisions of this Act so far as they relate to that Chapter”.

15 Paragraphs 7A(1)(a) and (b)

Omit “related”.

16 Paragraph 7A(1)(c)

Repeal the paragraph, substitute:

- (c) prohibit an activity, or prevent a person from engaging in an activity, that:
 - (i) is authorised under that Chapter or another provision of this Act so far as it relates to that Chapter; and

- (ii) is, or is related to, the cultivation of cannabis plants or the production of cannabis or cannabis resin.

17 Section 8B

Omit “the Secretary must”, substitute “the Secretary may”.

18 Chapter 2 (heading)

Repeal the heading, substitute:

Chapter 2—Medicinal cannabis licences and permits

19 Section 8D

Repeal the section, substitute:

8D Simplified outline of this Chapter

This Chapter deals with medicinal cannabis licences and medicinal cannabis permits.

A medicinal cannabis licence may authorise one or more of the following activities:

- (a) the cultivation of cannabis plants for the purpose of producing cannabis or cannabis resin for medicinal or scientific purposes and, if appropriate, the obtaining of cannabis plants for the purpose of such cultivation;
- (b) the production of cannabis or cannabis resin for medicinal or scientific purposes;
- (c) the manufacture of a cannabis drug for one or more permitted supplies;
- (d) activities relating to such obtaining, cultivation, production or manufacture.

Before a licence holder can engage in any such activities, the licence holder must obtain a medicinal cannabis permit. Medicinal cannabis permits specify matters relating to the activities that are authorised by the licence.

Certain conditions are imposed on all medicinal cannabis licences, and the Secretary may also impose additional conditions.

Medicinal cannabis licences and permits can be varied or revoked in certain circumstances.

There are offences and civil penalties relating to the cultivation and obtaining of cannabis plants, the production of cannabis and cannabis resin and the manufacture of cannabis drugs.

8DA Purpose of this Chapter

A purpose of this Chapter is to enable the following activities to be undertaken in order to ensure that medicinal cannabis products are available to patients in Australia for therapeutic purposes:

- (a) the cultivation and obtaining of cannabis plants for the purposes of producing cannabis or cannabis resin for medicinal or scientific purposes;
- (b) the production of cannabis or cannabis resin for medicinal or scientific purposes;
- (c) the manufacture of a cannabis drug for a permitted supply.

20 Subsection 8E(1)

Repeal the subsection, substitute:

- (1) A person may apply to the Secretary for a licence (a ***medicinal cannabis licence***) that authorises one or more of the following activities:
 - (a) the cultivation of cannabis plants, in accordance with one or more medicinal cannabis permits, for the purpose of producing cannabis or cannabis resin for medicinal or scientific purposes and, if appropriate, the obtaining of cannabis plants for the purpose of such cultivation;
 - (b) the production of cannabis or cannabis resin for medicinal or scientific purposes, in accordance with one or more medicinal cannabis permits;
 - (c) the manufacture of a cannabis drug for one or more permitted supplies, in accordance with one or more medicinal cannabis permits;

- (d) activities relating to such obtaining, cultivation, production or manufacture, including but not limited to the following (as applicable):
 - (i) the supply of cannabis plants or a cannabis drug;
 - (ii) the packaging, transport, storage, possession and control of cannabis plants or a cannabis drug;
 - (iii) the taking of samples from cannabis plants or a cannabis drug and the testing of such samples;
 - (iv) the disposal or destruction of cannabis plants or a cannabis drug.

21 Paragraph 8F(3)(b)

Repeal the paragraph, substitute:

- (b) may have regard to any other matter relating to the conduct of activities authorised by the licence or the distribution, use and possession of:
 - (i) cannabis plants cultivated or obtained under the licence;
or
 - (ii) cannabis or cannabis resin produced under the licence;
or
 - (iii) a cannabis drug manufactured under the licence; and

22 Paragraph 8F(3)(d)

Omit “land or” (wherever occurring).

23 Paragraph 8G(1)(d)

Repeal the paragraph, substitute:

- (d) the Secretary is not satisfied on reasonable grounds that the applicant will take all reasonable measures to ensure the physical security of cannabis plants or cannabis drugs that:
 - (i) are in the applicant’s possession or control; and
 - (ii) are obtained, cultivated, produced or manufactured under, or purportedly under, the licence; or

24 Paragraph 8G(1)(e)

Omit “land or”.

25 Section 8J

Repeal the section, substitute:

8J Particular circumstances in which Secretary must refuse to grant a medicinal cannabis licence that authorises the manufacture of a cannabis drug

The Secretary must refuse to grant a medicinal cannabis licence that authorises the manufacture of a cannabis drug unless the Secretary is satisfied on reasonable grounds that the drug will be manufactured for a permitted supply.

26 Paragraph 8M(c)

Repeal the paragraph, substitute:

- (c) for each of the following activities that are authorised by the licence, the premises at which the activity is authorised by the licence in accordance with one or more medicinal cannabis permits:
 - (i) the obtaining and cultivation of cannabis plants;
 - (ii) the production of cannabis or cannabis resin;
 - (iii) the manufacture of a cannabis drug;

27 Paragraph 8M(d)

Omit “or production”, substitute “, production or manufacture”.

28 After paragraph 8M(d)

Insert:

- (da) if the licence authorises the cultivation of cannabis plants—the extent of the land on which the cultivation of cannabis plants is authorised by the licence in accordance with one or more medicinal cannabis permits;

29 Paragraph 8M(e)

Repeal the paragraph, substitute:

- (e) the persons prescribed by the regulations as the persons who are authorised by the licence to engage in the activities authorised by the licence;

30 Paragraphs 8M(g) and (h)

Repeal the paragraphs, substitute:

- (g) the day on which the licence comes into force;
- (h) if the licence is to be in force for a specified period—that period;
- (i) that the Secretary may, in accordance with section 15, require the destruction of any of the following that are in the possession of, or under the control of, the licence holder:
 - (i) cannabis plants;
 - (ii) a cannabis drug;
 - (iii) a narcotic preparation that contains such a drug;
- (j) if the licence authorises the manufacture of a cannabis drug for one or more permitted supplies—those permitted supplies.

31 Section 8N

Repeal the section, substitute:

8N Period for which a medicinal cannabis licence is in force

- (1) If a medicinal cannabis licence is revoked under subsection 10P(1) or (2), the licence ceases to be in force on the day specified in the notice given under that subsection revoking the licence.
- (2) If:
 - (a) a medicinal cannabis licence is surrendered in accordance with regulations made for the purposes of section 11A; and
 - (b) as a result of that surrender, the licence is to cease to be in force on a particular day, or at a particular time, under those regulations;the licence ceases to be in force on that day, or at that time, unless it ceases to be in force under subsection (1) of this section on an earlier day.
- (3) If a medicinal cannabis licence specifies a period during which the licence is to remain in force, the licence ceases to be in force at the end of that period unless it ceases to be in force under subsection (1) or (2) on an earlier day or at an earlier time.

32 After paragraph 9(4)(b)

Insert:

- ; or (c) if the application for the permit relates to a medicinal cannabis licence that authorises the cultivation of cannabis plants but does not authorise the production of cannabis or cannabis resin—the Secretary is not satisfied on reasonable grounds that the cultivation of the cannabis plants is:
 - (i) for the purposes of supply to the holder of a medicinal cannabis licence that authorises such production; or
 - (ii) for a purpose prescribed by the regulations; or
- (d) if the application for the permit relates to a medicinal cannabis licence that authorises the production of cannabis or cannabis resin but does not authorise the manufacture of a cannabis drug—the Secretary is not satisfied on reasonable grounds that the production of the cannabis or cannabis resin is:
 - (i) for the purposes of supply to another holder of a medicinal cannabis licence that authorises such manufacture; or
 - (ii) for a purpose prescribed by the regulations.

33 At the end of section 9 (after the note)

Add:

- (5) For the purposes of deciding whether to grant, or refuse to grant, a medicinal cannabis permit, the Secretary may require the applicant to provide access to premises at which activities authorised by the medicinal cannabis licence to which the permit relates will take place, for the purposes of inspecting the premises.

34 Subsection 9B(1)

Omit “a licence”, substitute “a medicinal cannabis licence”.

35 Paragraph 9B(1)(e)

Repeal the paragraph, substitute:

- (e) the day on which the permit comes into force;
- (ea) if the permit is to be in force for a specified period—that period;

36 Subsection 9B(1) (note 1)

Omit “Note 1”, substitute “Note”.

37 Subsection 9B(1) (note 2)

Repeal the note.

38 Subsection 9B(2)

Omit “a licence”, substitute “a medicinal cannabis licence”.

39 Paragraph 9B(2)(d)

Repeal the paragraph, substitute:

- (d) the day on which the permit comes into force;
- (da) if the permit is to be in force for a specified period—that period;

40 At the end of section 9B

Add:

Medicinal cannabis permits—manufacture

- (3) Without limiting the matters that the Secretary may specify in a medicinal cannabis permit that relates to a medicinal cannabis licence that authorises the manufacture of a cannabis drug, the Secretary may specify one or more of the following that are authorised by the licence in accordance with the permit:
 - (a) the maximum quantity of the cannabis drug that may be manufactured at premises specified in the permit;
 - (b) the maximum quantity of the cannabis drug that, in the opinion of the Secretary, having regard to prevailing market conditions, it is necessary for the licence holder to have in the holder’s possession or control at any time for the normal conduct of business;
 - (c) the period during which the cannabis drug may be manufactured;
 - (d) the day on which the permit comes into force;
 - (e) if the permit is to be in force for a specified period—that period;
 - (f) any matter prescribed by the regulations.

41 Section 9C

Repeal the section, substitute:

9C Period for which a medicinal cannabis permit is in force

- (1) If a medicinal cannabis permit is revoked under subsection 10P(2), the permit ceases to be in force on the day specified in the notice given under that subsection revoking the permit.
- (2) If a medicinal cannabis permit is taken to be revoked under subsection 10P(4), the permit ceases to be in force at the time referred to in that subsection.
- (3) If:
 - (a) a medicinal cannabis permit is surrendered in accordance with regulations made for the purposes of section 11A; and
 - (b) as a result of that surrender, the permit is to cease to be in force on a particular day, or at a particular time, under those regulations;the permit ceases to be in force on that day, or at that time, unless it ceases to be in force under subsection (1) or (2) of this section on an earlier day or at an earlier time.
- (4) If a medicinal cannabis permit specifies a period during which the permit is to remain in force, the permit ceases to be in force at the end of that period unless it ceases to be in force under subsection (1), (2) or (3) on an earlier day or at an earlier time.

42 Division 2 of Part 2 of Chapter 2

Repeal the Division.

43 Division 3 of Part 2 of Chapter 2 (heading)

Before “cannabis”, insert “medicinal”.

44 Section 10C (heading)

Omit “Cannabis”, substitute “Medicinal cannabis”.

45 Section 10C

Before “cannabis”, insert “medicinal”.

46 Paragraph 10C(c)

Omit “9J,”.

47 Subsection 10D(1)

Before “cannabis licence”, insert “medicinal”.

48 Paragraphs 10D(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) the supply, delivery, dealing in any way with, transportation and disposal of:
 - (i) cannabis plants cultivated or obtained under the licence in accordance with a permit; or
 - (ii) cannabis or cannabis resin produced under the licence in accordance with a permit; or
 - (iii) a cannabis drug manufactured under the licence in accordance with a permit;
- (c) the use of names or symbols that may suggest or imply a particular effect upon humans of a cannabis drug or a narcotic preparation that contains such a drug, but not so as to prevent the specification of factual material;

49 Paragraph 10D(1)(e)

Omit “cannabis or cannabis resin”, substitute “cannabis drugs, narcotic preparations that contain such a drug or by-products of cannabis drugs or such narcotic preparations”.

50 Paragraph 10D(1)(g)

Omit “or production”, substitute “, production or manufacture”.

51 Paragraphs 10D(1)(h) and (i)

Omit “land and”.

52 Paragraph 10D(1)(o)

Repeal the paragraph, substitute:

- (o) actions to be taken in case of loss, theft, spoilage or destruction (however occurring) of:
 - (i) cannabis plants cultivated or obtained under, or purportedly under, the licence; or

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- (ii) cannabis or cannabis resin produced under, or purportedly under, the licence; or
 - (iii) a cannabis drug manufactured under, or purportedly under, the licence; or
 - (iv) a narcotic preparation that contains such a drug;

53 Paragraph 10D(1)(s)

Omit “cannabis or cannabis resin”, substitute “a cannabis drug or a narcotic preparation that contains such a drug”.

54 At the end of subsection 10D(1)

Add:

- ; (t) the labelling of a cannabis drug.

55 Subsection 10D(2)

Omit “Cannabis licence conditions”, substitute “The conditions of a medicinal cannabis licence that authorises the cultivation of cannabis plants, or the production of cannabis or cannabis resin,”.

56 Section 10E (heading)

Before “cannabis”, insert “medicinal”.

57 Subsection 10E(1)

Before “cannabis licence”, insert “medicinal”.

58 After paragraph 10E(1)(b)

Insert:

- or (ba) to engage in the manufacture of a cannabis drug, or activities related to such manufacture;

59 Subsection 10E(3)

Repeal the subsection, substitute:

- (3) A reference in subsection (1) to:
 - (a) a licence holder; or
 - (b) a person authorised by a medicinal cannabis licence to engage in a particular activity;

is, in the case of the revocation or surrender of the licence, taken to be a reference to a person who was the licence holder, or was so authorised, immediately before the revocation or surrender (as the case may be).

60 Section 10F (heading)

Before “cannabis”, insert “medicinal”.

61 Subsections 10F(1) and (2)

Before “cannabis licence” (wherever occurring), insert “medicinal”.

62 Section 10G

Repeal the section, substitute:

10G Condition that activities authorised by medicinal cannabis licence are undertaken in accordance with medicinal cannabis permit

It is a condition of a medicinal cannabis licence that an activity authorised by the licence (other than an activity of the kind mentioned in paragraph 8E(1)(d)) is undertaken by the licence holder, or by any other person authorised by the licence to undertake the activity, in accordance with a medicinal cannabis permit.

63 Section 10H

Repeal the section, substitute:

10H Condition about monitoring and inspection

It is a condition of a medicinal cannabis licence that, if a person is authorised by the licence:

- (a) to obtain or cultivate cannabis plants, to produce cannabis or cannabis resin or to manufacture a cannabis drug; or
- (b) to engage in activities relating to such obtaining, cultivation, production or manufacture;

the person allow the Secretary, or a person authorised by the Secretary, to:

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- (c) enter premises at which the person is present and where the obtaining, cultivation, production, manufacture or activity is being undertaken, for the purposes of the following:
 - (i) inspecting or monitoring the obtaining, cultivation, production, manufacture or activity;
 - (ii) checking whether the obtaining, cultivation, production, manufacture or activity is being carried out as authorised by the licence in accordance with a medicinal cannabis permit, and whether licence conditions are being complied with; and
 - (d) take samples of any thing at the premises and remove and test such samples.

64 Paragraphs 10J(2)(c) and (d)

Repeal the paragraphs, substitute:

- (c) a contract that deals with matters prescribed by the regulations is in existence between the holder of the medicinal cannabis licence (the *primary licence holder*) and another holder of a medicinal cannabis licence that authorises the manufacture of a cannabis drug; or
- (d) the medicinal cannabis licence of the primary licence holder authorises such manufacture.

65 After section 10J

Insert:

10JA Condition for medicinal cannabis licence authorising the manufacture of cannabis drugs

It is a condition of a medicinal cannabis licence that authorises the manufacture of a cannabis drug for one or more permitted supplies that the licence holder must not supply the drug other than for those permitted supplies.

66 Subsection 10K(1)

Before “cannabis”, insert “medicinal”.

67 Division 4 of Part 2 of Chapter 2 (heading)

Before “**cannabis**” (wherever occurring), insert “**medicinal**”.

68 Section 10M (heading)

Before “cannabis” (wherever occurring), insert “**medicinal**”.

69 Subsections 10M(1), (2) and (3)

Before “cannabis” (wherever occurring), insert “medicinal”.

70 Paragraphs 10M(4)(a) and (b)

Before “cannabis”, insert “medicinal”.

71 Paragraph 10M(4)(b)

Omit “9J or paragraph (a) of this subsection”, substitute “this section”.

72 Paragraph 10M(4)(c)

Before “cannabis”, insert “medicinal”.

73 Subsections 10M(5) and (6)

Before “cannabis” (wherever occurring), insert “medicinal”.

74 Section 10N (heading)

Omit “cannabis licences and permits”, substitute “**medicinal cannabis licences and medicinal cannabis permits**”.

75 Subsections 10N(1) and (4)

Before “cannabis” (wherever occurring), insert “medicinal”.

76 Section 10P (heading)

Before “cannabis” (wherever occurring), insert “**medicinal**”.

77 Subsection 10P(1)

Omit “cannabis licence, revoke the cannabis”, substitute “medicinal cannabis licence, revoke the”.

78 Paragraph 10P(1)(c)

Before “business associate”, insert “relevant”.

79 Paragraph 10P(1)(c)

Before “cannabis”, insert “medicinal”.

80 After subsection 10P(1)

Insert:

- (1A) A business associate of a licence holder is a relevant business associate if the Secretary considers it is reasonable, in considering the revocation of the licence, to take that business associate into account.

81 Subsection 10P(2)

Before “cannabis” (first and second occurring), insert “medicinal”.

82 Paragraphs 10P(2)(e) and (g)

Omit “land or premises”, substitute “premises”.

83 Paragraph 10P(2)(g)

Omit “that land or”.

84 Paragraph 10P(2)(h)

Omit “cannabis or cannabis resin”, substitute “cannabis drugs or narcotic preparations that contain such a drug”.

85 Subsections 10P(3) and (4)

Before “cannabis” (wherever occurring), insert “medicinal”.

86 Subsections 11(1), (2) and (4)

Before “cannabis” (wherever occurring), insert “medicinal”.

87 Section 11A (heading)

Before “**cannabis**” (wherever occurring), insert “**medicinal**”.

88 Section 11A

Before “cannabis” (wherever occurring), insert “medicinal”.

89 Part 3 of Chapter 2 (heading)

Omit “**medicinal cannabis**”, substitute “**cannabis plants and cannabis drugs**”.

90 Paragraph 11B(1)(b)

Omit all the words after “under”, substitute “a medicinal cannabis licence”.

91 Section 11C (heading)

Before “cannabis”, insert “medicinal”.

92 Paragraph 11C(1)(a)

Before “cannabis” (first and last occurring), insert “medicinal”.

93 Paragraph 11C(1)(b)

Before “cannabis”, insert “medicinal”.

94 Paragraph 11D(1)(b)

Omit all the words after “under”, substitute “a medicinal cannabis licence”.

95 Section 11E (heading)

Before “cannabis”, insert “medicinal”.

96 Paragraph 11E(1)(a)

Before “cannabis” (first and last occurring), insert “medicinal”.

97 Paragraph 11E(1)(b)

Before “cannabis”, insert “medicinal”.

98 At the end of Part 3 of Chapter 2

Add:

11EA Unauthorised manufacture of cannabis drugs

- (1) A person who is a licence holder contravenes this subsection if:
- (a) the person manufactures a cannabis drug or does a thing in connection with such manufacture; and
 - (b) the manufacture of the cannabis drug, or the doing of the thing, by the person is not authorised by or under a medicinal cannabis licence.

Fault-based offence

- (2) A person commits an offence if the person contravenes subsection (1).

Note: See section 24A in relation to the physical elements of the offence.

Penalty: Imprisonment for 10 years, or 600 penalty units, or both.

Strict liability offence

- (3) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 60 penalty units.

Civil penalty provision

- (4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 1,000 penalty units.

**11EB Breach of condition of a medicinal cannabis licence—
manufacture**

- (1) A person contravenes this subsection if:
- (a) the person is authorised by a medicinal cannabis licence to manufacture a cannabis drug, in accordance with a medicinal cannabis permit, or to engage in activities related to such manufacture; and
 - (b) the person breaches a condition of the licence; and
 - (c) the condition is not prescribed by the regulations for the purposes of this paragraph.

Fault-based offence

- (2) A person commits an offence if the person contravenes subsection (1).

Note: See section 24A in relation to the physical elements of the offence.

Penalty: Imprisonment for 10 years, or 600 penalty units, or both.

Strict liability offence

- (3) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 60 penalty units.

Civil penalty provision

- (4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 1,000 penalty units.

99 Chapter 3 (heading)

Before “**drugs**”, insert “**narcotic**”.

100 Section 11F

Omit:

A manufacture licence may authorise the manufacture of a drug and activities related to such manufacture, including manufacture for the purposes of research relating to medicinal cannabis products.

Before a licence holder can manufacture a drug, the licence holder must obtain a manufacture permit. Permits deal with matters such as the types and quantities of drugs that can be manufactured.

substitute:

A manufacture licence may authorise the manufacture of a narcotic drug and activities related to such manufacture.

Before a licence holder can manufacture a narcotic drug, the licence holder must obtain a manufacture permit. Permits deal with matters such as the types and quantities of narcotic drugs that can be manufactured.

101 Section 11F (paragraph beginning “There are”)

Before “drugs”, insert “narcotic”.

102 Paragraph 11G(1)(a)

Before “drug”, insert “narcotic”.

103 Subparagraphs 11G(1)(b)(i), (ii) and (iii)

Before “drug”, insert “narcotic”.

104 Subsection 11H(2)

Omit “sections 11J and 11K”, substitute “section 11J”.

105 Paragraph 11H(3)(b)

Before “drugs”, insert “narcotic”.

106 Paragraph 11H(3)(d)

Omit “land or” (wherever occurring).

107 Paragraph 11J(1)(b)

Omit “subject to subsection 11K(3)—”.

108 Paragraph 11J(1)(d)

Omit “drugs or narcotic preparations”, substitute “narcotic drugs or narcotic preparations that contain such a drug”.

109 Paragraph 11J(1)(e)

Omit “land or”.

110 Section 11K

Repeal the section.

111 Paragraph 11N(b)

Omit “specified drugs”, substitute “a specified narcotic drug”.

112 Paragraph 11N(c)

Omit “drugs”, insert “a narcotic drug”.

113 Paragraph 11N(e)

Repeal the paragraph, substitute:

- (e) the persons prescribed by the regulations as the persons who are authorised by the licence to engage in the activities authorised by the licence;

114 Paragraphs 11N(h) and (i)

Repeal the paragraphs, substitute:

- (h) that the Secretary may, in accordance with section 15, require the destruction of any of the following that are in the possession of, or under the control of, the licence holder:
 - (i) a narcotic drug;
 - (ii) a narcotic preparation that contains such a drug.

115 Section 11P

Repeal the section, substitute:

11P Period for which a manufacture licence is in force

- (1) If a manufacture licence is revoked under subsection 13B(1) or (2), the licence ceases to be in force on the day specified in the notice given under that subsection revoking the licence.
- (2) If:
 - (a) a manufacture licence is surrendered in accordance with regulations made for the purposes of section 13D; and
 - (b) as a result of that surrender, the licence is to cease to be in force on a particular day, or at a particular time, under those regulations;the licence ceases to be in force on that day, or at that time, unless it ceases to be in force under subsection (1) of this section on an earlier day.
- (3) If a manufacture licence specifies a period during which the licence is to remain in force, the licence ceases to be in force at the end of that period unless it ceases to be in force under subsection (1) or (2) on an earlier day or at an earlier time.

116 Section 12C

Before “drug” (wherever occurring), insert “narcotic”.

117 Section 12D

Repeal the section, substitute:

12D Period for which a manufacture permit is in force

- (1) If a manufacture permit is revoked under subsection 13B(2), the permit ceases to be in force on the day specified in the notice given under that subsection revoking the permit.
- (2) If a manufacture permit is taken to be revoked under subsection 13B(4), the permit ceases to be in force at the time referred to in that subsection.
- (3) If:
 - (a) a manufacture permit is surrendered in accordance with regulations made for the purposes of section 13D; and
 - (b) as a result of that surrender, the permit is to cease to be in force on a particular day, or at a particular time, under those regulations;the permit ceases to be in force on that day, or at that time, unless it ceases to be in force under subsection (1) or (2) of this section on an earlier day or at an earlier time.
- (4) If a manufacture permit specifies a period during which the permit is to remain in force, the permit ceases to be in force at the end of that period unless it ceases to be in force under subsection (1), (2) or (3) on an earlier day or at an earlier time.

118 Paragraph 12F(b)

Omit “drugs”, substitute “a narcotic drug”.

119 Paragraph 12F(c)

Repeal the paragraph.

120 Paragraph 12F(e)

Omit “drugs, narcotic preparations”, substitute “narcotic drugs, narcotic preparations that contain such a drug”.

121 Paragraph 12F(i)

Omit “land and”.

122 Paragraph 12F(o)

Omit “drugs manufactured, under (or purportedly under) the licence, or of narcotic preparations”, substitute “a narcotic drug manufactured, under (or purportedly under) the licence, or of a narcotic preparation that contains such a drug”.

123 Paragraph 12F(r)

Omit “contractors;”, substitute “contractors.”.

124 Paragraphs 12F(s) and (t)

Repeal the paragraphs.

125 Subsection 12G(1)

Before “drugs”, insert “narcotic”.

126 Section 12J

Repeal the section, substitute:

12J Condition that manufacture of narcotic drugs is in accordance with a manufacture permit

It is a condition of a manufacture licence that an activity authorised by the licence (other than an activity of the kind mentioned in paragraph 11G(1)(b)) is undertaken by the licence holder, or by any other person authorised by the licence to undertake the activity, in accordance with a manufacture permit.

127 Paragraph 12K(a)

Before “drug”, insert “narcotic”.

128 Sections 12L and 12M

Repeal the sections.

129 Paragraph 13(4)(b)

Omit “paragraph (a) of this subsection”, substitute “this section”.

130 Paragraph 13B(1)(c)

Before “business associate”, insert “relevant”.

131 After subsection 13B(1)

Insert:

- (1A) A business associate of a licence holder is a relevant business associate if the Secretary considers it is reasonable, in considering the revocation of the licence, to take that business associate into account.

132 Paragraphs 13B(2)(e) and (g)

Omit “land or premises”, substitute “premises”.

133 Paragraph 13B(2)(g)

Omit “that land or”.

134 Paragraph 13B(2)(h)

Omit “drugs or narcotic preparations”, substitute “a narcotic drug, or a narcotic preparation that contains such a drug,”.

135 Part 3 of Chapter 3 (heading)

Before “**drugs**”, insert “**narcotic**”.

136 Section 13E (heading)

Before “**drugs**”, insert “**narcotic**”.

137 Paragraph 13E(1)(a)

Omit “drugs”, substitute “a narcotic drug”.

138 Paragraph 13E(1)(b)

Omit “drugs”, substitute “narcotic drug”.

139 Paragraph 13F(1)(a)

Omit “drugs”, substitute “a narcotic drug”.

140 After paragraph 13P(1)(c)

Insert:

(ca) subsection 11EA(3);

(cb) subsection 11EB(3);

141 Section 14D

After “enters”, insert “licensed”.

142 Subsections 14E(1) and 14F(1)

After “occupier of”, insert “licensed”.

143 Section 14H (paragraph beginning “The Secretary has directions”)

Omit “premises, the destruction of cannabis plants, cannabis and cannabis resin and other drugs”, substitute “premises and the handling and destruction of cannabis plants, cannabis drugs, narcotic drugs and narcotic preparations that contain such drugs”.

144 Section 14H

Omit:

This Chapter provides that State and Territory agencies can be approved to carry out specified activities relating to cannabis plants, cannabis and cannabis resin, including cultivating cannabis plants to produce cannabis or cannabis resin or for research relating to medicinal cannabis. Such agencies can also be authorised to undertake the manufacture of certain drugs.

This Chapter provides for a review of the Act.

145 Subsection 14P(1)

Omit “(1)”.

146 Paragraphs 14P(1)(a), (b), (c) and (d)

Omit “land or”.

147 Subsection 14P(2)

Repeal the subsection.

148 Subsection 15(1)

Repeal the subsection, substitute:

- (1) The Secretary may, by notice in writing given to a person who is, or has been, the holder of a medicinal cannabis licence, require the destruction of, or other dealings with, cannabis plants, cannabis or cannabis resin in the person's possession or control, if the Secretary is satisfied on reasonable grounds that:
 - (a) the cannabis plants were cultivated or obtained, or the cannabis or cannabis resin was produced, in breach of the licence; or
 - (b) the cannabis plants were cultivated or obtained, or the cannabis or cannabis resin was produced, in circumstances prescribed by the regulations; or
 - (c) circumstances prescribed by the regulations for the purposes of this paragraph exist.
- (1A) The Secretary may, by notice in writing given to a person who is, or has been, the holder of a licence, require the destruction of, or other dealings with, a drug or a narcotic preparation that contains a drug in the person's possession or control, if the Secretary is satisfied on reasonable grounds that:
 - (a) the drug or the drug contained in the narcotic preparation was manufactured in breach of the licence; or
 - (b) the drug or the drug contained in the narcotic preparation was manufactured in circumstances prescribed by the regulations; or
 - (c) circumstances prescribed by the regulations for the purposes of this paragraph exist.

149 Paragraphs 15(2)(a) and (4)(a)

After "subsection (1)", insert "or (1A)".

150 Section 15A

Omit "manufacture".

151 Paragraphs 15E(1)(f) to (j)

Repeal the paragraphs.

152 Paragraphs 15E(1)(k) to (m)

Before “cannabis” (wherever occurring), insert “medicinal”.

153 Paragraph 15E(1)(u)

Omit “manufacture”.

154 Subparagraph 15F(2)(a)(i)

Omit “or (f)”.

155 Subparagraph 15F(2)(a)(ii)

Before “cannabis”, insert “medicinal”.

156 Paragraph 15F(2)(b)

Omit “cannabis licence concerned relates to land or”, substitute “medicinal cannabis licence concerned relates to”.

157 Subsection 23(1)

Omit “preparations, other than a person who is the holder of a manufacture licence,”, substitute “preparations (other than a person who is the holder of a medicinal cannabis licence that authorises the manufacture of a cannabis drug or is the holder of a manufacture licence)”.

158 Section 25A

Repeal the section.

159 Subsection 25B(1)

Omit “land or”.

160 Paragraph 25B(2)(b)

Omit “land or”.

161 At the end of paragraph 26(1)(a)

Add “or”.

162 After paragraph 26(1)(b)

Insert:

(ba) by sending the notice to the person by fax, email or other electronic means to the last fax number, email address or other electronic address that the Secretary has for the person;
or

163 Subsection 26(2)

Omit “or electronic address, or by other electronic means,”, substitute “, email address or other electronic address”.

164 Section 26A

Repeal the section.

165 Subsection 27(2) (heading)

Omit “*land and*”.

166 Subsection 27(2)

Omit “land or”.

167 Paragraph 27(3)(a)

Omit “land or”.

168 After paragraph 27(4)(a)

Insert:

(aa) scientific uses of samples;

169 Paragraph 27(4)(f)

Omit “cannabis, cannabis resin, and drugs and narcotic preparations that contain cannabis or cannabis resin,”, substitute “cannabis drugs and narcotic preparations that contain such a drug”.

170 Paragraph 27(4)(g)

Omit “a State or Territory”, substitute “the Commonwealth, a State or a Territory”.

Schedule 2—Application, saving and transitional provisions

Part 1—Introduction

1 Definitions

In this Schedule:

cannabis licence application means an application made under the Narcotic Drugs Act for the grant of:

- (a) a medicinal cannabis licence; or
- (b) a cannabis research licence; or
- (c) a cannabis manufacture licence.

cannabis manufacture licence means a manufacture licence that authorises either or both of the following:

- (a) the manufacture of a drug that includes, or is from, any part of the cannabis plant;
- (b) activities relating to such manufacture.

cannabis manufacture permit means a manufacture permit that relates to the activities authorised by a cannabis manufacture licence.

converted licence: see subitem 3(2) of this Schedule.

converted permit: see subitem 3(4) of this Schedule.

Narcotic Drugs Act means the *Narcotic Drugs Act 1967*.

non-commercial cannabis licence means:

- (a) a cannabis research licence that the Secretary, when granting the licence, notified the applicant for the licence that the Secretary was reasonably satisfied that the research that the applicant proposed to undertake will be undertaken for, or primarily for, non-commercial purposes; or
- (b) a cannabis manufacture licence that the Secretary, when granting the licence, notified the applicant for the licence that the Secretary was reasonably satisfied that the manufacturing that the applicant proposed to undertake will be undertaken for, or primarily for, non-commercial purposes; or
- (c) a cannabis manufacture licence that, on application by the licence holder, the Secretary notified the licence holder that the Secretary is reasonably satisfied that the manufacturing

that the holder undertakes under the licence is for, or primarily for, non-commercial purposes.

preserved licence: see subitem 2(2) of this Schedule.

preserved permit: see subitem 2(6) of this Schedule.

transition time means the commencement of this Schedule.

Part 2—Licences and permits in force immediately before transition time

2 Preservation of single licence etc.

- (1) This item applies if:
- (a) immediately before the transition time, a person (the *licence holder*) holds a single licence that is in force; and
 - (b) the licence is:
 - (i) a medicinal cannabis licence; or
 - (ii) a cannabis research licence; or
 - (iii) a cannabis manufacture licence.

Preservation of licence

- (2) Despite the amendments of the Narcotic Drugs Act made by Schedule 1 to this Act and subject to subitems (3) and (4), the licence (the *preserved licence*) continues to have effect, and may be dealt with, after the transition time as if it were a medicinal cannabis licence that has been granted under the Narcotic Drugs Act, as so amended.
- (3) If a period for which the preserved licence would be in force is specified in the licence immediately before the transition time, the licence is taken, after that time, not to specify such a period.
- (4) Subitem (3) does not apply in relation to a preserved licence if the licence referred to in subitem (1) was a non-commercial cannabis licence.

Preservation of notice to surrender licence

- (5) If:
- (a) before the transition time, the licence holder gave a notice in accordance with regulations made for the purposes of section 11A or 13D of the Narcotic Drugs Act for the surrender of the licence referred to in subitem (1); and
 - (b) immediately before the transition time, the licence has not ceased to be in force under those regulations;

then, despite the amendments of that Act made by Schedule 1 to this Act, the notice continues to have effect after the transition time as if it were a notice given in relation to the preserved licence.

Preservation of permit that relates to preserved licence

- (6) If:
- (a) immediately before the transition time, the licence holder holds a permit that is in force; and
 - (b) the permit relates to the licence referred to in subitem (1);
- then, despite the amendments of the Narcotic Drugs Act made by Schedule 1 to this Act, the permit (the *preserved permit*) continues to have effect, and may be dealt with, after the transition time as if it were a medicinal cannabis permit granted under the Narcotic Drugs Act (as amended by that Schedule) that relates to the preserved licence.

3 Conversion of multiple licences etc.

- (1) This item applies if:
- (a) immediately before the transition time, a person (the *licence holder*) holds 2 or more licences (the *original licences*) that are in force; and
 - (b) the original licences are any one or more of the following:
 - (i) a medicinal cannabis licence;
 - (ii) a cannabis research licence;
 - (iii) a cannabis manufacture licence.

Conversion of multiple licences into a single licence

- (2) The original licences are taken, at the transition time, to be converted into a single medicinal cannabis licence (the *converted licence*) that has been granted under the Narcotic Drugs Act, as amended by Schedule 1 to this Act.
- (3) After the transition time, the converted licence:
- (a) is taken to authorise the same activities that were authorised by each of the original licences; and
 - (b) is taken to be subject to the same conditions that each of the original licences is subject to; and
 - (c) is taken to specify the same matters as each of the original licences specified (other than the matter mentioned in

whichever of paragraph 8M(g), 9L(g) or 11N(g) of the Narcotic Drugs Act is applicable); and

- (d) if each of the original licences were non-commercial cannabis licences and each were to be in force for a particular period—is taken to be in force until the end of whichever of those periods ends last; and
- (e) may be dealt with as a medicinal cannabis licence.

Continuation of permit that relates to original licence

- (4) If:
 - (a) immediately before the transition time, the licence holder holds a permit that is in force; and
 - (b) the permit relates to an original licence;

then, despite the amendments of the Narcotic Drugs Act made by Schedule 1 to this Act, the permit (the *converted permit*) continues to have effect, and may be dealt with, after the transition time as if it were a medicinal cannabis permit granted under the Narcotic Drugs Act (as amended by that Schedule) that relates to the converted licence.

Copy of converted licence

- (5) The Secretary may, after the transition time, provide the licence holder with a copy of the converted licence that specifies the following:
 - (a) the matters mentioned in paragraph (3)(c);
 - (b) if paragraph (3)(d) applies in relation to the converted licence—when the licence will cease to be in force;
 - (c) any other relevant matter.

Part 3—Pending applications for new licences etc.

4 Pending applications for new licences—applications by persons who do not hold a converted or preserved licence

- (1) This item applies if:
- (a) before the transition time, a person made one or more cannabis licence applications; and
 - (b) immediately before the transition time, the Secretary has not made a decision on the application or on any or all of those applications (as the case may be); and
 - (c) at the transition time, the person does not hold a converted licence or a preserved licence.

Single cannabis licence application

- (2) Both of the following apply if the person made only one cannabis licence application:
- (a) the application is taken, immediately after the transition time, to be an application (the *deemed application*) made under subsection 8E(1) of the Narcotic Drugs Act, as amended by Schedule 1 to this Act, for a medicinal cannabis licence;
 - (b) after that time, the deemed application may be dealt with, or may continue to be dealt with, under Part 2 of Chapter 2 of the Narcotic Drugs Act, as so amended.

Multiple cannabis licence applications

- (3) Both of the following apply if the person made 2 or more cannabis licence applications:
- (a) the applications are taken, immediately after the transition time, to be a single application made under subsection 8E(1) of the Narcotic Drugs Act, as amended by Schedule 1 to this Act, for a single medicinal cannabis licence;
 - (b) after that time, the single application may be dealt with, or may continue to be dealt with, under Part 2 of Chapter 2 of the Narcotic Drugs Act, as so amended.

5 Pending applications for new licences—applications by persons who hold converted or preserved licences

- (1) This item applies if:
- (a) before the transition time, a person made one or more cannabis licence applications; and
 - (b) immediately before the transition time, the Secretary has not made a decision on the application or on any or all of those applications (as the case may be); and
 - (c) at the transition time, the person holds a converted licence or a preserved licence.

Single cannabis licence application

- (2) Both of the following apply if the person made only one cannabis licence application:
- (a) the application is taken, immediately after the transition time, to be an application (the **deemed application**) made under subsection 10M(1) of the Narcotic Drugs Act, as amended by Schedule 1 to this Act, for a variation of the preserved licence or the converted licence (as the case may be);
 - (b) after that time, the deemed application may be dealt with, or may continue to be dealt with, under Division 4 of Part 2 of Chapter 2 of the Narcotic Drugs Act, as so amended.

Multiple cannabis licence applications

- (3) Both of the following apply if the person made 2 or more cannabis licence applications:
- (a) the applications are taken, immediately after the transition time, to be a single application made under subsection 10M(1) of the Narcotic Drugs Act, as amended by Schedule 1 to this Act, for a variation of the preserved licence or the converted licence (as the case may be);
 - (b) after that time, the single application may be dealt with, or may continue to be dealt with, under Division 4 of Part 2 of Chapter 2 of the Narcotics Drugs Act, as so amended.

6 Pending applications for new permits

- (1) This item applies if:
-

- (a) before the transition time, a person made an application under the Narcotic Drugs Act for the grant of:
 - (i) a medicinal cannabis permit; or
 - (ii) a cannabis research permit; or
 - (iii) a cannabis manufacture permit; and
 - (b) immediately before the transition time, the Secretary has not made a decision on the application; and
 - (c) at the transition time, the person holds a preserved licence or a converted licence; and
 - (d) the permit to which the application relates would relate to activities authorised by the preserved licence or the converted licence (as the case may be).
- (2) Both of the following apply in relation to the application:
- (a) the application is taken, immediately after the transition time, to be an application (the ***deemed application***) made under subsection 8P(1) of the Narcotic Drugs Act for a medicinal cannabis permit that relates to the activities that are authorised by the preserved licence or the converted licence (as the case may be);
 - (b) after that time, the deemed application may be dealt with, or may continue to be dealt with, under Part 2 of Chapter 2 of the Narcotic Drugs Act, as amended by Schedule 1 to this Act.

7 Pending applications for variation of existing licences

- (1) This item applies if:
- (a) before the transition time, a person made an application under the Narcotic Drugs Act for a variation of:
 - (i) a medicinal cannabis licence; or
 - (ii) a cannabis research licence; or
 - (iii) a cannabis manufacture licence; and
 - (b) immediately before the transition time, the Secretary has not made a decision on the application; and
 - (c) at the transition time, the person holds a preserved licence or a converted licence; and
 - (d) the licence to which the application relates is either:
 - (i) a licence that became a preserved licence; or

- (ii) a licence that has been converted into a converted licence.
- (2) Both of the following apply in relation to the application:
- (a) the application is taken, immediately after the transition time, to be an application (the *deemed application*) made under subsection 10M(1) of the Narcotic Drugs Act, as amended by Schedule 1 to this Act, for a variation of the preserved licence or the converted licence (as the case may be);
 - (b) after that time, the deemed application may be dealt with, or may continue to be dealt with, under Division 4 of Part 2 of Chapter 2 of the Narcotics Drugs Act, as so amended.

8 Pending applications for variation of existing permits

- (1) This item applies if:
- (a) before the transition time, a person made an application under the Narcotic Drugs Act for a variation of:
 - (i) a medicinal cannabis permit; or
 - (ii) a cannabis research permit; or
 - (iii) a cannabis manufacture permit; and
 - (b) immediately before the transition time, the Secretary has not made a decision on the application; and
 - (c) at the transition time, the person holds a preserved permit or a converted permit; and
 - (d) the permit to which the application relates is the permit that became the preserved permit or the converted permit (as the case may be).
- (2) Both of the following apply in relation to the application:
- (a) the application is taken, immediately after the transition time, to be an application (the *deemed application*) made under subsection 10M(1) of the Narcotic Drugs Act, as amended by Schedule 1 to this Act, for a variation of the preserved permit or converted permit (as the case may be);
 - (b) after that time, the deemed application may be dealt with, or may continue to be dealt with, under Division 4 of Part 2 of Chapter 2 of the Narcotics Drugs Act, as so amended.

Part 4—Other matters

9 Review of pre-transition reviewable decisions—cannabis research licence etc.

- (1) This item applies in relation to a decision if:
 - (a) the decision was made under the Narcotic Drugs Act before the transition time; and
 - (b) the decision is a decision of the kind referred to in paragraph 15E(1)(f), (g), (h), (i) or (j) of that Act; and
 - (c) immediately before the transition time, the period referred to in paragraph 15G(2)(c) of that Act during which a person may apply for review of the decision has not ended.
- (2) Despite the repeal of paragraphs 15E(1)(f), (g), (h), (i) and (j) of that Act by Schedule 1 to this Act, Part 4 of Chapter 5 of the Narcotic Drugs Act continues, after the transition time, to have effect in relation to the decision as if the repeal had not happened.

10 Review of pre-transition reviewable decisions—cannabis licence etc.

- (1) This item applies in relation to a decision if:
 - (a) the decision was made under the Narcotic Drugs Act before the transition time; and
 - (b) the decision is a decision of the kind referred to in paragraph 15E(1)(k), (l) or (m) of that Act; and
 - (c) immediately before the transition time, the period referred to in paragraph 15G(2)(c) of that Act during which a person may apply for review of the decision has not ended.
- (2) Despite the amendments of paragraphs 15E(1)(k), (l) and (m) of that Act made by Schedule 1 to this Act, Part 4 of Chapter 5 of the Narcotic Drugs Act continues, after the transition time, to have effect in relation to the decision as if the amendments had not been made.

11 Review by the Administrative Appeals Tribunal

- (1) This item applies in relation to a decision (the *review decision*) made under section 15H of the Narcotic Drugs Act if:

- (a) the review decision was made before the transition time; and
 - (b) the review decision relates to a decision of a kind referred to in paragraph 9(1)(b) or 10(1)(b) of this Schedule; and
 - (c) immediately before the transition time, both of the following apply:
 - (i) an application for review of the review decision by the Administrative Appeals Tribunal has not been made;
 - (ii) the time for a person to make such an application has not ended (including any extensions of that time under section 29 of the *Administrative Appeals Tribunal Act 1975*).
- (2) Despite the amendments of subsection 15E(1) of the Narcotic Drugs Act made by Schedule 1 to this Act, section 15L of the Narcotic Drugs Act continues, after the transition time, to have effect in relation to the review decision as if the amendments had not been made.

12 Saving of directions relating to destruction etc.

- (1) This item applies in relation to a notice given to a person under subsection 15(1) of the Narcotic Drugs Act if:
- (a) the notice was given before the transition time; and
 - (b) immediately before the transition time, the person has not complied with the notice.
- (2) Despite the amendments of section 15 of the Narcotic Drugs Act made by Schedule 1 to this Act, the notice continues, after the transition time, to have effect as if the amendments had not been made.

Part 5—Transitional rules

13 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Act.
- (2) Without limiting subitem (1), the rules may make provision for, or in relation to, the refund, remission or waiver of fees payable under the Narcotic Drugs Act.
- (3) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (4) This Schedule (other than subitem (3)) does not limit the rules that may be made for the purposes of subitem (1).

*[Minister's second reading speech made in—
House of Representatives on 3 February 2021
Senate on 25 February 2021]*

(176/20)