



Narcotic Drugs Amendment (Licence Charges) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 08 December 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Sussan Ley
Minister for Health and Aged Care

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1 Name

This is the *Narcotic Drugs Amendment (Licence Charges) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	At the same time as the <i>Narcotic Drugs (Licence Charges) Regulation 2016</i> commences. However, the provisions do not commence at all if that instrument does not commence.	10 December 2016

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Narcotic Drugs Act 1967*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Narcotic Drugs Regulation 2016

1 After paragraph 11(2)(f)

Insert:

- (fa) if the applicant seeks a decision of the Secretary under subsection 54A(2) in relation to the research that the applicant proposes to undertake under the licence—the following details about the research:
 - (i) the primary purpose of the research;
 - (ii) who will benefit from the research;
 - (iii) how any products that may be developed as a result of the research will be used;
 - (iv) the source of the funds for the research;
 - (v) who owns or operates the research facilities in which the research will be undertaken;

2 At the end of section 52

Add:

- ; (h) a decision under subsection 54A(2) about whether research that an applicant proposes to undertake will be undertaken for non-commercial purposes, or primarily for non-commercial purposes.

3 After Division 1 of Part 5

Insert:

Division 1A—Charges

54A Classes of cannabis research licences for the purposes of charge

Commercial cannabis research licence

- (1) For the purposes of paragraph 28(1)(e) of the Act, a cannabis research licence is a **commercial cannabis research licence** if, when granting the licence, the Secretary does not notify the applicant for the licence in accordance with subsection (2).

Non-commercial cannabis research licence

- (2) For the purposes of paragraph 28(1)(e) of the Act, a cannabis research licence is a **non-commercial cannabis research licence** if, when granting the licence, the Secretary notifies the applicant for the licence in writing that the Secretary is reasonably satisfied that the research that the applicant proposes to undertake will be undertaken for non-commercial purposes, or primarily for non-commercial purposes.

Matters to which the Secretary must have regard

- (3) In making a decision under subsection (2) about research that an applicant proposes to undertake, the Secretary must have regard to the following:

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- (a) the primary purpose of the research;
 - (b) who will benefit from the research;
 - (c) how any products that may be developed as a result of the research will be used;
 - (d) the source of the funds for the research;
 - (e) who owns or operates the research facilities in which the research will be undertaken.

Other matters

- (4) Subsection (3) does not limit the matters to which the Secretary may have regard in making a decision under subsection (2).

54B When charge is payable

For the purposes of subparagraph 28(1)(e)(i) of the Act, charge payable in respect of a licence:

- (a) is payable to the Secretary on behalf of the Commonwealth; and
- (b) is due and payable on the day specified in an invoice given to the holder of the licence by the Secretary.

54C Recovery of charge

For the purposes of paragraph 28(1)(e) of the Act, charge that is due and payable:

- (a) is a debt due to the Commonwealth; and
- (b) may be recovered by the Secretary on behalf of the Commonwealth by action in a court of competent jurisdiction.