



Narcotic Drugs Amendment (Review Recommendations) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 14 November 2019

David Hurley
Governor-General

By His Excellency's Command

Greg Hunt
Minister for Health

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Narcotic Drugs Regulation 2016</i>	2

1 Name

This instrument is the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019*.

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	1 January 2020.	1 January 2020

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Section 4 (definition of *affected by bankruptcy*)

Repeal the definition.

2 Paragraph 4A(b)

Repeal the paragraph.

3 Paragraphs 5(2)(h), (i), (j), (k), (l), (m) and (n)

Repeal the paragraphs, substitute:

- (h) details of the measures that the applicant will take to ensure the physical security of cannabis plants, cannabis or cannabis resin:
 - (i) in the applicant’s possession or control; and
 - (ii) obtained, cultivated or produced under, or purportedly under, the licence;
- (m) if the applicant proposes to supply to a recipient cannabis plants, cannabis or cannabis resin cultivated or produced under, or purportedly under, the licence—details of:
 - (i) the arrangements for the supply; and
 - (ii) the proposed use of the plants, cannabis or resin by the recipient; and
 - (iii) what licences, or other authorisations to use or deal with the plants, cannabis or resin, the recipient holds (if any);

4 Paragraphs 5(3)(i), (j) and (k) and (4)(i) and (j)

Repeal the paragraphs.

5 Subsections 5(5), (6) and (7)

Repeal the subsections (not including the note).

6 Section 7A

Repeal the section, substitute:

7A Application for medicinal cannabis licence—general grounds for refusal of licence

For the purposes of paragraph 8G(1)(f) of the Act, a circumstance in which a licence must not be granted is that the applicant for the licence is reasonably likely:

- (a) not to be a resident of Australia; and
 - (b) not to carry on business in Australia;
- at a time when the licence is proposed to be in force.

7 Section 7B

Omit “Act), where one or more of the following apply:”, substitute “Act).”.

8 Paragraphs 7B(a), (b) and (c)

Repeal the paragraphs.

9 Paragraph 8(3)(a)

Omit “and strains”.

10 Paragraph 8(3)(b)

Omit “and cannabidiol”.

11 Paragraph 8(3)(c)

Repeal the paragraph.

12 Subsection 9(2)

Repeal the subsection (including the note), substitute:

- (2) This subsection specifies copies of all relevant contracts that are in place between the applicant and a person who is authorised by a licence under the Act to do any of the following:
- (a) supply cannabis plants;
 - (b) produce cannabis or cannabis resin;
 - (c) manufacture one or more drugs that are medicinal cannabis products;
 - (d) manufacture a drug for the purposes of research relating to medicinal cannabis products.

13 Paragraphs 11(2)(k), (l), (m), (n) and (o)

Repeal the paragraphs, substitute:

- (k) details of the measures that the applicant will take to ensure the physical security of cannabis plants, cannabis or cannabis resin:
 - (i) in the applicant’s possession or control; and
 - (ii) obtained, cultivated or produced under, or purportedly under, the licence;

14 Paragraphs 11(3)(i), (j) and (k) and (4)(i) and (j)

Repeal the paragraphs.

15 Subsections 11(5), (6) and (7)

Repeal the subsections (not including the note).

16 Section 13A

Repeal the section, substitute:

13A Application for cannabis research licence—general grounds for refusal of licence

For the purposes of paragraph 9F(1)(f) of the Act, a circumstance in which a licence must not be granted is that the applicant for the licence is reasonably likely:

- (a) not to be a resident of Australia; and
 - (b) not to carry on business in Australia;
- at a time when the licence is proposed to be in force.

17 Subparagraph 14(2)(d)(iv)

Omit “, cannabidiol and other cannabinoids that are”, substitute “that is”.

18 Paragraph 14(3)(a)

Omit “and strains”.

19 Paragraph 14(3)(b)

Omit “and cannabidiol”.

20 Paragraph 14(3)(c)

Repeal the paragraph.

21 Section 15

Repeal the section.

22 Paragraph 17(1)(a)

Omit “particular types or strains of cannabis plants”, substitute “medicinal cannabis”.

23 Subsections 19(1) and (2)

Repeal the subsections, substitute:

Licences authorising cultivation but not production

- (1) For the purposes of subsection 10J(1) of the Act, the following matters are prescribed as matters that must be dealt with by a contract referred to in that subsection:
- (a) the range of concentration of tetrahydrocannabinol that will be contained in the cannabis plants to be supplied;
 - (b) the number of cannabis plants to be supplied.

Licences authorising production

- (2) For the purposes of subsection 10J(2) of the Act, the following matters are prescribed as matters that must be dealt with by a contract referred to in that subsection:
- (a) the range of concentration of tetrahydrocannabinol that will be contained in the cannabis plants to be used to produce the cannabis or cannabis resin to be supplied;
 - (b) the quantity of cannabis or cannabis resin to be supplied.

24 Subsection 19(10)

Omit “Act), where one or more of the following apply:”, substitute “Act).”.

25 Paragraphs 19(10)(a), (b) and (c)

Repeal the paragraphs.

26 Paragraph 34(2)(b)

Omit “, being a day that is not less than 20 business days after the day the notice is given to the Secretary”.

27 At the end of section 34

Add:

- (4) However, if, after the holder notifies the Secretary in accordance with this section, the Secretary gives the holder written notice that the licence or permit is to cease to be in force on a specified day that:
- (a) is earlier or later than the day worked out under subsection (3); and
 - (b) is agreed by the holder and the Secretary;
- the licence or permit ceases to be in force on the specified day.

28 Paragraphs 35(2)(j), (k), (l), (m) and (n)

Repeal the paragraphs, substitute:

- (j) details of the measures that the applicant will take to ensure the physical security of drugs or starting material:
 - (i) in the applicant's possession or control; and
 - (ii) manufactured under, or purportedly under, the licence;

29 Paragraphs 35(3)(i), (j) and (k) and (4)(i) and (j)

Repeal the paragraphs.

30 Subsections 35(5), (6) and (7)

Repeal the subsections.

31 Section 36A

Repeal the section, substitute:

36A Application for manufacture licence—general grounds for refusal of licence

For the purposes of paragraph 11J(1)(f) of the Act, a circumstance in which a licence must not be granted is that the applicant for the licence is reasonably likely:

- (a) not to be a resident of Australia; and
 - (b) not to carry on business in Australia;
- at a time when the licence is proposed to be in force.

32 Paragraph 37(c)

Omit “(Act), where one or more of the following apply:”, substitute “(Act).”.

33 Subparagraphs 37(c)(i), (ii) and (iii)

Repeal the subparagraphs.

34 Paragraph 51(2)(b)

Omit “, being a day that is not less than 20 business days after the day the notice is given to the Secretary”.

35 At the end of section 51

Add:

- (4) However, if, after the holder notifies the Secretary in accordance with this section, the Secretary gives the holder written notice that the licence or permit is to cease to be in force on a specified day that:
- (a) is earlier or later than the day worked out under subsection (3); and
 - (b) is agreed by the holder and the Secretary;
- the licence or permit ceases to be in force on the specified day.

36 In the appropriate position in Part 6

Insert:

58 Application provisions relating to the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019*

Amendments etc. affecting applications for medicinal cannabis licences

- (1) The amendments of sections 5 and 7B, and the repeal and substitution of section 7A, by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to applications for medicinal cannabis licences made on or after 1 January 2020.

Amendments affecting applications for medicinal cannabis permits

- (2) The amendments of sections 8 and 9 by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to applications for medicinal cannabis permits made on or after 1 January 2020.

Amendments etc. affecting applications for cannabis research licences

- (3) The amendments of section 11, and the repeal and substitution of section 13A, by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to applications for cannabis research licences made on or after 1 January 2020.

Amendments etc. affecting applications for cannabis research permits

- (4) The amendments of sections 14 and 17, and the repeal of section 15, by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to applications for cannabis research permits made on or after 1 January 2020.

Amendments affecting conditions on medicinal cannabis licences

- (5) The amendments of section 19 by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to medicinal cannabis licences granted on or after 1 January 2020.

Amendments affecting surrender of cannabis licences and permits

- (6) The amendments of section 34 by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to notices, of surrender of cannabis licences or cannabis permits, given on or after 1 January 2020.

Amendments etc. affecting applications for manufacture licences

- (7) The amendments of sections 35 and 37, and the repeal and substitution of section 36A, by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to applications for manufacture licences made on or after 1 January 2020.

Amendments affecting surrender of manufacture licences and permits

- (8) The amendments of section 51 by the *Narcotic Drugs Amendment (Review Recommendations) Regulations 2019* apply in relation to notices, of surrender of manufacture licences or manufacture permits, given on or after 1 January 2020.