

Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020

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 09 July 2020

David Hurley

Governor‑General

By His Excellency’s Command

Greg Hunt

Minister for Health

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1 Name

This instrument is the *Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020*.

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 | 15 July 2020. | 15 July 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Note: This table relates only to the provisions of this instrument as originally made.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 (Licence Charges) Act 2016.*

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Licence Charges) Regulation 2016

1 Section 4

Before “In this instrument:”, insert “(1)”.

2 Section 4

Insert:

***licence year*** has the meaning given by subsection 5(2).

***Regulatory Powers Act*** means the *Regulatory Powers (Standard Provisions) Act 2014*.

Note: Subsection (2) deals with references to provisions of the Regulatory Powers Act.

3 At the end of section 4

Add:

(2) In this instrument, a reference to a provision of the Regulatory Powers Act is a reference to that provision as it applies because of Chapter 4 of the *Narcotic Drugs Act 1967*.

4 Sections 5 and 6

Repeal the sections, substitute:

5 Periods for imposition of charge on licences

(1) This section prescribes periods for the purposes of paragraph 6(1)(b) of the Act (which imposes charge on licences in force at a time in a prescribed period) for licences of the following classes:

(a) medicinal cannabis licences;

(b) commercial cannabis research licences;

(c) non‑commercial cannabis research licences.

(2) The period (the ***licence year***) for a licence is 12 months starting:

(a) on the day the licence comes into force; or

(b) immediately after the end of the immediately preceding period under this subsection for the licence.

6 Amount of charge for licences

(1) For the purposes of subsection 8(1) of the Act, this section prescribes amounts of charge on licences of the following classes:

(a) medicinal cannabis licences;

(b) commercial cannabis research licences;

(c) non‑commercial cannabis research licences.

General provisions

(2) The amount of charge on a licence for a licence year is (subject to subsections (5) and (6)) the total of:

(a) $11,570; and

(b) if one or more permits granted to the holder of the licence and relating to an activity that is authorised by the licence are in force at any time during the licence year, either:

(i) if any of the permits was in force at the start of the licence year—$19,160; or

(ii) if all of the permits come into force after the start of the licence year—the amount worked out by multiplying $19,160 by the factor worked out under subsection (3); and

(c) if an activity covered by subsection (4) is carried out during the period in relation to the licence:

(i) $107 for each person carrying out the activity for each hour, or part of an hour, the person spends carrying out the activity; and

(ii) the costs and reasonable expenses of travel to carry out the activity for each person carrying out the activity.

(3) For the purposes of subparagraph (2)(b)(ii), the factor is the amount worked out using the formula:



(4) For the purposes of paragraph (2)(c), this subsection covers each of the following activities:

(a) monitoring, or obtaining information or documents for monitoring, whether an activity authorised by a licence is being, or has been, carried out as authorised (whether or not the monitoring, or obtaining of information or documents, involves the exercise of powers under Part 2 of the Regulatory Powers Act);

(b) investigating a suspected or actual contravention of the *Narcotic Drugs Act 1967*, or regulations made under that Act, relating to a licence (whether or not the investigating involves the exercise of powers under Part 3 of the Regulatory Powers Act);

(c) testing, or certifying the results of testing, of a sample taken:

(i) in accordance with a condition of a licence; or

(ii) in the exercise of power under Part 2 or 3 of the Regulatory Powers Act in relation to a licence;

(d) preparing to take action under Part 5 or 6 of the Regulatory Powers Act in relation to the holder of a licence.

Note: Whether an activity authorised by a licence is carried out as authorised may depend on the terms of a permit relating to the activity.

Limit on charge on non‑commercial cannabis research licences

(5) Paragraph (2)(a) applies to charge on a non‑commercial cannabis research licence only for the licence year starting on the day the licence comes into force.

(6) Paragraph (2)(b) applies to charge on a non‑commercial cannabis research licence only for the first licence year during which one or more permits granted to the holder of the licence and relating to an activity that is authorised by the licence are in force.

5 At the end of the instrument

Add:

8 Application provision relating to the *Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020*

(1) This section provides for the application of provisions of this instrument as amended by the *Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020*.

Note: The *Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020* commenced on 15 July 2020.

(2) Subsection 5(2) applies in relation to a licence that came or comes into force before, on or after 15 July 2020.

(3) Paragraphs 6(2)(a) and (b) apply to charge for licence years that start on or after 15 July 2020.

(4) Paragraph 6(2)(c) applies to charge for licence years that end on or after 15 July 2020 but does not apply to the carrying out of an activity before 15 July 2020.

(5) This section does not affect the operation of section 7 of the *Acts Interpretation Act 1901* in relation to liability for charge that was incurred before the commencement of the *Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020*.

Note: Section 7 of the *Acts Interpretation Act 1901* preserves the liability despite the amendments made by the *Narcotic Drugs (Licence Charges) Amendment (2020 Measures No. 1) Regulations 2020*. That section applies in relation to regulations because of section 13 of the *Legislation Act 2003*.