



Narcotic Drugs (Licence Charges) Amendment (Medicinal Cannabis Licences) Regulations 2021

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 December 2021

David Hurley
Governor-General

By His Excellency's Command

Greg Hunt
Minister for Health and Aged Care

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1 Name

This instrument is the *Narcotic Drugs (Licence Charges) Amendment (Medicinal Cannabis Licences) Regulations 2021*.

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	The later of: (a) the day after this instrument is registered; and (b) immediately after the commencement of the <i>Narcotic Drugs Amendment (Medicinal Cannabis) Regulations 2021</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	24 December 2021 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subsection 4(1)

Repeal the following definitions:

- (a) *cannabis-related manufacture licence*;
- (b) *commercial cannabis-related manufacture licence*;
- (c) *commercial cannabis research licence*.

2 Subsection 4(1)

Insert:

commercial medicinal cannabis licence has the same meaning as in the *Narcotic Drugs Regulation 2016*.

3 Subsection 4(1)

Repeal the following definitions:

- (a) *medicinal cannabis licence*;
- (b) *non-commercial cannabis-related manufacture licence*;
- (c) *non-commercial cannabis research licence*.

4 Subsection 4(1)

Insert:

non-commercial medicinal cannabis licence has the same meaning as in the *Narcotic Drugs Regulation 2016*.

5 Paragraphs 5(1)(a) to (e)

Repeal the paragraphs, substitute:

- (a) commercial medicinal cannabis licence;
- (b) non-commercial medicinal cannabis licence.

6 Subsection 5(2)

Repeal the section, substitute:

- (2) The period (the *licence year*) for a licence is:
 - (a) if the licence was preserved by item 2 of Schedule 2 to the *Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021*—12 months starting on:
 - (i) the day the licence came into force; or
 - (ii) a later anniversary of the day mentioned in subparagraph (i) of this paragraph; or
 - (b) if the licence was converted from multiple licences (the *original licences*) into a single licence by item 3 of Schedule 2 to the *Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021*:
 - (i) 12 months ending immediately before the earliest anniversary day for one of the original licences to occur after the commencement of the

Narcotic Drugs (Licence Charges) Amendment (Medicinal Cannabis Licences) Regulations 2021; or

- (ii) 12 months starting on a later anniversary of the day mentioned in subparagraph (i) of this paragraph; or
 - (c) otherwise—12 months starting on:
 - (i) the day the licence comes into force; or
 - (ii) a later anniversary of the day mentioned in subparagraph (i).
- (3) For the purposes of subparagraph (2)(b)(i), the **anniversary day** for an original licence means the day immediately after the last day of a licence year for that licence, had:
- (a) the licence year been determined under subsection 5(2) of this instrument as in force before the commencement of the *Narcotic Drugs (Licence Charges) Amendment (Medicinal Cannabis Licences) Regulations 2021*; and
 - (b) the licence not been converted under item 3 of Schedule 2 to the *Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021*.

7 Paragraphs 6(1)(a) to (e)

Repeal the paragraphs, substitute:

- (a) commercial medicinal cannabis licence;
- (b) non-commercial medicinal cannabis licence.

8 Subsection 6(2)

Omit “and (6)”, substitute “, (6) and (7)”.

9 Subsections 6(5) and (6)

Repeal the subsections, substitute:

Limit on charge on non-commercial medicinal cannabis licences

- (5) Paragraph (2)(a) applies to charge on a non-commercial medicinal cannabis 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 medicinal cannabis 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.

Limit on charge on commercial medicinal cannabis licences that were converted from multiple licences

- (7) If:
 - (a) a commercial medicinal cannabis licence was converted from multiple licences (the **original licences**) into a single licence by item 3 of Schedule 2 to the *Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021*; and
 - (b) an amount of charge mentioned in paragraph (2)(b) of this section applied and was payable by the licence holder in relation to one or more of the original licences during the period beginning on 1 July 2021 and ending on the day before this subsection commenced; and

(c) the anniversary day referred to in subparagraph 5(2)(b)(i) that applies in relation to the licence occurs before 1 July 2022;
then, after the commencement of this subsection, paragraph (2)(b) of this section applies to charge on the commercial medicinal cannabis licence for each licence year that starts on or after 1 July 2022.