



Narcotic Drugs Amendment (Fees) Regulations 2023

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 20 July 2023

David Hurley
Governor-General

By His Excellency's Command

Ged Kearney
Assistant Minister for Health and Aged Care
Parliamentary Secretary to the Minister for Health and Aged Care

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1 Name

This instrument is the *Narcotic Drugs Amendment (Fees) Regulations 2023*.

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 August 2023.	1 August 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Amendments

Narcotic Drugs Regulation 2016

1 Section 4

Insert:

licence variation type 1 means an application made under section 10N of the Act for a variation of a medicinal cannabis licence to:

- (a) vary the name of the person who is the licence holder, but only if the legal entity that is the licence holder does not change; or
- (b) vary or remove any one or more of the following:
 - (i) the name;
 - (ii) the description under paragraph 7B(a), (b) or (c) of this instrument;
 - (iii) any other description;of a particular person authorised by the licence to engage in activities authorised by the licence.

Example 1: A person who applies to vary the name of a particular person, and vary the description under paragraph 7B(a), (b) or (c) of that person, is required to pay the relevant fee once (see subsection 24(3)).

Example 2: A person who applies to vary a particular person's name, and vary the description under paragraph 7B(a), (b) or (c) of a different person, is required to pay the relevant fee twice (see subsection 24(4)).

licence variation type 2 means an application made under section 10N of the Act for a variation of a medicinal cannabis licence to:

- (a) vary or add the period for which the licence is in force; or
- (b) vary, add or remove, for a particular licensed premises, any one or more measures relating to the system of security that:
 - (i) was approved for the grant of the licence; or
 - (ii) was varied after the licence was granted; or
- (c) make any other variation that is not specified in:
 - (i) paragraph (a) or (b); or
 - (ii) the definitions of ***licence variation type 1***, ***licence variation type 3*** or ***licence variation type 4***.

Example: A person who applies to vary, for a particular licensed premises, a measure relating to the system of security that was approved for the grant of the licence, and add a measure relating to the system of security for a different licensed premises, is required to pay the relevant fee twice (see subsection 24(4)).

licence variation type 3 means an application made under section 10N of the Act for a variation of a medicinal cannabis licence to:

- (a) vary the site plan for a particular licensed premises where activities authorised by the licence are undertaken; or
- (b) vary one or more floor plans of facilities at a particular licensed premises where activities authorised by the licence are undertaken, unless the variation is required as a result of varying, adding or removing an activity that is authorised by the licence at that licensed premises; or

- (c) vary, add or remove a particular activity that is to be authorised by the licence at a particular licensed premises; or
- (d) add the name of a particular person to be authorised by the licence to engage in activities authorised by the licence at any one or more licensed premises at which the licence authorises activities to be undertaken.

Note: For the meaning of *licensed premises*, see section 4 of the Act.

Example: A person who applies to add an activity to be authorised by a licence, and to vary a different activity that is authorised by the licence, is required to pay the relevant fee twice (see subsection 24(4)).

licence variation type 4 means an application made under section 10N of the Act for a variation of a medicinal cannabis licence to add a particular licensed premises at which activities authorised by the licence are to be undertaken (including any other variations to the licence that are required as a result of adding the new licensed premises).

Note: Examples of other variations that may be required include adding a site plan or floor plan that relates to the new licensed premises, or adding activities that are authorised at the new licensed premises.

2 Section 4 (definition of *minor licence variation*)

Repeal the definition.

3 Section 4 (definition of *minor permit variation*)

Repeal the definition.

4 Section 4

Insert:

permit variation type 1 means an application made under section 10N of the Act for a variation of a medicinal cannabis permit to:

- (a) vary the name of the person who is the holder of the licence to which the permit relates, but only if the legal entity that is the licence holder does not change; or
- (b) vary any one or more of the following:
 - (i) the maximum number of cannabis plants;
 - (ii) the maximum units of seeds;
 - (iii) the maximum quantity of cultivars or genetic material of a cannabis plant;
 - (iv) the maximum quantity of cannabis, cannabis resin or cannabis drug; that the holder of the licence to which the permit relates may have in their possession or control at any time, but only if the variation does not result in an increase to the total number, units or quantity that the licence holder is authorised to obtain, cultivate, produce or manufacture during the period of the permit.

permit variation type 2 means an application made under section 10N of the Act for a variation of a medicinal cannabis permit to add or remove a particular supply pathway specified by the permit.

permit variation type 3 means an application made under section 10N of the Act for a variation of a medicinal cannabis permit to:

- (a) vary any one or more of the following:

- (i) the types of cannabis plants;
 - (ii) the total number of cannabis plants;
 - (iii) the total units of seeds;
 - (iv) the total quantity of cultivars or genetic material of a cannabis plant;
 - (v) the total quantity of cannabis, cannabis resin or cannabis drug; that the licence holder is authorised to obtain, cultivate, produce or manufacture during the period of the permit; or
- (b) vary, add or remove a particular activity that is specified by the permit to be undertaken at the relevant licensed premises.

Example: A person who applies to add an activity to be specified by the permit, and to vary a different activity that is already specified by the permit, is required to pay the relevant fee twice (see subsection 24(4)).

supply pathway means an arrangement to supply cannabis plants, cannabis, cannabis resin, or cannabis drug that is:

- (a) required by the Act; or
- (b) otherwise specified by a medicinal cannabis licence or medicinal cannabis permit.

5 Section 10

Repeal the section, substitute:

10 Application fee for medicinal cannabis permit

For the purposes of subsection 8P(3) of the Act, the fee for an application for a medicinal cannabis permit that authorises:

- (a) either or both the cultivation of cannabis plants, or the production of cannabis or cannabis resin under subsection 9B(1) or (2) of the Act; or
 - (b) the manufacture of a cannabis drug under subsection 9B(3) of the Act;
- is the amount prescribed by clause 1 of Schedule 1 for the application.

6 Section 24

Repeal the section, substitute:

24 Application fee for variation of medicinal cannabis licences and medicinal cannabis permits

- (1) This section applies for the purposes of subsection 10N(2) of the Act.
- (2) To avoid doubt, an application under section 10N may apply for more than one variation of a medicinal cannabis licence or medicinal cannabis permit.

Application fee

- (3) If an application for a variation of a medicinal cannabis licence or medicinal cannabis permit is covered by:
 - (a) a particular paragraph of the definition of **licence variation type 1**, **licence variation type 2**, **licence variation type 3**, **permit variation type 1** or **permit variation type 3**; or
 - (b) the definition of **licence variation type 4** or **permit variation type 2**;the fee for the application is the amount prescribed by clause 1 of Schedule 1 for that licence variation type or permit variation type.

Application fee for multiple variations

- (4) To avoid doubt, if an application for a variation of a medicinal cannabis licence or medicinal cannabis permit contains:
- (a) more than one licence variation type or permit variation type; or
 - (b) one licence variation type or permit variation type applying to 2 or more variations; or
 - (c) a combination of paragraphs (a) and (b);

the fee for the application is the total of each of the amounts prescribed by clause 1 of Schedule 1 for those licence variation types or permit variation types.

Example 1: The total fee for an application for 2 variations that are both a licence variation type 1 is \$1,160.

Example 2: The total fee for an application for 2 variations, one that is a licence variation type 1, and another that is a licence variation type 2, is \$2,050.

7 Subsection 54(1)

Omit “\$3,670”, substitute “\$9,230”.

8 Subsection 54B(2)

After “licence”, insert “, or a matter that relates to a licence,”.

9 Subsection 54B(3)

After “payable on a licence”, insert “, or a matter that relates to a licence,”.

10 Clause 1 of Schedule 1

Repeal the clause, substitute:

1 Table of fees

The following table sets out the amount of the fee in column 2 of an item of the table that is to accompany:

- (a) for an application under section 8E or 8P of the Act—an application of the kind mentioned in column 1 of that item; or
- (b) for an application under section 10N of the Act—an application under that section for a variation of the licence variation type or permit variation type mentioned in column 1 of that item.

Note: An application under section 10N of the Act may apply for more than one variation of a medicinal cannabis licence or medicinal cannabis permit (see subsection 24(2) of this instrument). For such an application, the fee is the total of the amounts specified in column 2 (see subsection 24(4) of this instrument).

Amount of fees		
Item	Column 1	Column 2
	Kind of application, or licence variation type or permit variation type	Fee (\$)
1	An application under section 8E of the Act for a medicinal cannabis licence that authorises any one or more of the activities specified in section 8E of the Act	13,220
2	An initial application under section 8P of the Act for a medicinal cannabis permit to authorise either or both the cultivation of cannabis plants, or the production of cannabis or cannabis resin at a particular licensed premises	11,910

Schedule 1 Amendments
Part 1 Amendments

Amount of fees		
Item	Column 1	Column 2
	Kind of application, or licence variation type or permit variation type	Fee (\$)
3	An initial application under section 8P of the Act for a medicinal cannabis permit to authorise the manufacture of a cannabis drug at a particular licensed premises	7,860
4	A subsequent application under section 8P of the Act for a medicinal cannabis permit to authorise either or both the cultivation of cannabis plants, or the production of cannabis or cannabis resin at a particular licensed premises	9,070
5	A subsequent application under section 8P of the Act for a medicinal cannabis permit to authorise the manufacture of a cannabis drug at a particular licensed premises	5,980
6	An application under section 10N of the Act for a variation of a medicinal cannabis licence that is a licence variation type 1	580
7	An application under section 10N of the Act for a variation of a medicinal cannabis licence that is a licence variation type 2	1,470
8	An application under section 10N of the Act for a variation of a medicinal cannabis licence that is a licence variation type 3	2,170
9	An application under section 10N of the Act for a variation of a medicinal cannabis licence that is a licence variation type 4	11,960
10	An application under section 10N of the Act for a variation of a medicinal cannabis permit that is a permit variation type 1	620
11	An application under section 10N of the Act for a variation of a medicinal cannabis permit that is a permit variation type 2	1,660
12	An application under section 10N of the Act for a variation of a medicinal cannabis permit that is a permit variation type 3	5,140
	Note 1: For the meaning of <i>licence variation type 1</i> , <i>licence variation type 2</i> , <i>licence variation type 3</i> , <i>licence variation type 4</i> , <i>permit variation type 1</i> , <i>permit variation type 2</i> and <i>permit variation type 3</i> , see section 4.	
	Note 2: An initial application is the first application for a permit by the holder of a licence in relation to a licensed premises for any one or more of the activities specified in items 2 or 3. A subsequent application is any later application for a permit in relation to the same licence for the same activity at the same licensed premises.	

Part 2—Application of amendments

Narcotic Drugs Regulation 2016

11 In the appropriate position in Part 6

Insert:

63 Application of amendments of the *Narcotic Drugs Amendment (Fees) Regulations 2023*

- (1) The amendments of sections 4, 10 and 24, and clause 1 of Schedule 1, made by the *Narcotic Drugs Amendment (Fees) Regulations 2023*, apply to applications made on or after 1 August 2023.
- (2) The amendment of subsection 54(1) made by the *Narcotic Drugs Amendment (Fees) Regulations 2023* applies in relation to inspections commenced on or after 1 August 2023.
- (3) The amendments of subsections 54B(2) and (3) made by the *Narcotic Drugs Amendment (Fees) Regulations 2023* apply to inspections commenced on or after 1 August 2023.